

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KENNETH REDD,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 4:08-CV-1459 CAS

MEMORANDUM AND ORDER

This closed matter under 28 U.S.C. § 2255 is before the Court on Movant Kenneth Redd's Motion for Reconsideration of the Court's Order, under Rule 59(e), Federal Rules of Civil Procedure. The government did not file an opposition and the time to do so has passed. For the following reasons, the motion under Rule 59(e) will be denied.

Discussion

This Court has broad discretion in deciding whether to grant a motion under Rule 59(e). Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998). Rule 59(e) was adopted to clarify that "the district court possesses the power to rectify its own mistakes in the period immediately following the entry of judgment." White v. New Hampshire Dep't of Employment Sec., 455 U.S. 445, 450 (1982) (internal quotations omitted). "Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence." Innovative, 141 F.3d at 1286 (internal punctuation and citations omitted). "Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment." United States

v. Metropolitan St. Louis Sewer Dist., 440 F.3d 930, 933 (8th Cir. 2006) (quoting Innovative Home Health Care, 141 F.3d at 1286)).

The Court has carefully reviewed the motion under Rule 59(e) and the Memorandum and Order of March 11, 2010, and concludes that movant does not establish the existence of any manifest errors of law or fact.

Accordingly,

IT IS HEREBY ORDERED that movant's Motion for Reconsideration of the Court's Order under Rule 59(e), Fed. R. Civ. P., is **DENIED**. [Doc. 21]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of April, 2010.